

AMENDED IN SENATE JANUARY 6, 2014  
AMENDED IN SENATE SEPTEMBER 5, 2013  
AMENDED IN SENATE AUGUST 12, 2013  
AMENDED IN ASSEMBLY APRIL 15, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 418**

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**Introduced by Assembly Members Mullin and Eggman**

February 15, 2013

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~~An act relating to electric vehicles, and making an appropriation therefor, to add the heading of Article 1 (commencing with Section 65089.11) to Chapter 2.65 of, and to add Article 2 (commencing with Section 65089.50) to Chapter 2.65 of, Division 1 of Title 7 of, the Government Code, relating to local government, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 418, as amended, Mullin. ~~Electric vehicles.~~ *Local government: special tax, assessment, or property-related fee.*

*Existing law, until January 1, 2013, authorized the City/County Association of Governments of San Mateo County to impose a fee of up to \$4 on motor vehicles registered within San Mateo County for a program for the management of traffic congestion and stormwater pollution within that county.*

*This bill would authorize the City/County Association of Governments of San Mateo County, in accordance with specified provisions of the California Constitution, to impose a parcel tax or a property-related*

*fee for the purpose of implementing stormwater management programs, as prescribed.*

*This bill would declare that it is to take effect immediately as an urgency statute.*

~~Existing law establishes the Air Quality Improvement Program that is administered by the State Air Resources Board for the purposes of funding projects related to, among other things, reduction of criteria air pollutants and improvement of air quality. Existing law requires, until January 1, 2016, that a portion of the registration fees for motor vehicles and vessels be deposited into the Air Quality Improvement Fund and, upon appropriation, be expended for the implementation of the program. Pursuant to the Air Quality Improvement Program, the state board has established the Clean Vehicle Rebate Project to promote the production and use of zero-emission vehicles and the Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project to provide vouchers to help California fleets to purchase hybrid and zero-emission trucks and buses.~~

~~Existing law establishes the Vehicle Inspection and Repair Fund, which serves as a repository for fees collected by the Department of Consumer Affairs pursuant to the Automotive Repair Act.~~

~~This bill would require the Controller, upon the order of the Director of Finance, to transfer, as a loan, \$30,000,000 from the Vehicle Inspection and Repair Fund to the Air Quality Improvement Fund. The bill would appropriate to the state board \$30,000,000 from the Air Quality Improvement Fund for the Clean Vehicle Rebate Project and the Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project, thereby making an appropriation.~~

~~Vote: majority <sup>2</sup>/<sub>3</sub>. Appropriation: yes/no. Fiscal committee: yes/no. State-mandated local program: no.~~

*The people of the State of California do enact as follows:*

- 1     *SECTION 1. The Legislature finds and declares all of the*
- 2     *following:*
- 3     *(a) The County of San Mateo and each of the 20 incorporated*
- 4     *cities within this county have joined together to form the*
- 5     *21-member City/County Association of Governments of San Mateo*
- 6     *County, a joint powers agency that addresses issues of countywide*
- 7     *significance, including water pollution prevention programs.*
- 8     *(b) Each of the 21-member agencies of the City/County*
- 9     *Association of Governments of San Mateo County is mandated to*

1 *comply with municipal stormwater permit requirements issued by*  
2 *the San Francisco Bay Regional Water Quality Control Board.*

3 *(c) The City/County Association of Governments of San Mateo*  
4 *County helps coordinate municipal stormwater permit compliance*  
5 *activities among its member agencies and, in cases where*  
6 *compliance activities are more effectively implemented at a*  
7 *countywide level, does so on their behalf as directed by its member*  
8 *agencies.*

9 *(d) The addition of Section 65089.50 to the Government Code*  
10 *will better enable the City/County Association of Governments of*  
11 *San Mateo County to do, among other things, all of the following:*

12 *(1) In conjunction with its member agencies, protect the natural*  
13 *resources within the County of San Mateo and restore and enhance*  
14 *the environment, including the long-term protection of the waters*  
15 *of local creeks, the San Francisco Bay, and the coastline along*  
16 *the Pacific Ocean.*

17 *(2) Develop and adopt a countywide stormwater management*  
18 *program designed to coordinate, fund, and implement water*  
19 *pollution prevention programs within the County of San Mateo,*  
20 *by the City/County Association of Governments of San Mateo*  
21 *County or its member agencies.*

22 *(3) Impose, consistent with and pursuant to the California*  
23 *Constitution, a special tax or property-related fee within its*  
24 *boundaries to fund activities outlined in its joint powers agreement*  
25 *and consistent with municipal stormwater permit requirements*  
26 *mandated by the San Francisco Bay Regional Water Quality*  
27 *Control Board.*

28 *SEC. 2. The heading of Article 1 (commencing with Section*  
29 *65089.11) is added to Chapter 2.65 of Division 1 of Title 7 of the*  
30 *Government Code, to read:*

31  
32 *Article 1. Traffic Congestion and Stormwater Pollution*  
33

34 *SEC. 3. Article 2 (commencing with Section 65089.50) is added*  
35 *to Chapter 2.65 of Division 1 of Title 7 of the Government Code,*  
36 *to read:*

Article 2. Stormwater Management

65089.50. (a) The City/County Association of Governments of San Mateo County may impose either a special tax subject to the procedures and requirements set forth in subdivision (d) of Section 2 of Article XIII C of the California Constitution, or a property-related fee subject to the procedures and requirements set forth in subdivisions (a), (b), and (c) of Section 6 of Article XIII D of the California Constitution, for the purposes of implementing stormwater management programs consistent with the agencies' joint powers agreement.

(b) The special tax or property-related fee, at the option of the City/County Association of Governments of San Mateo County, may be collected on the tax rolls of the county in the same manner, by the same persons, subject to the same penalties, and at the same time as, together with and not separate from, county ad valorem property taxes. In that event, from the amount collected pursuant to this paragraph, the county auditor may deduct that amount required to reimburse the county for its actual cost of collection.

SEC. 4. The Legislature finds and declares that, because of the unique circumstances applicable only to the City/County Association of Governments of San Mateo County an existing joint powers agency composed of the county and every city and town within the county that coordinates and provides stormwater permit compliance activities, a statute of general application cannot be enacted within the meaning of subdivision (b) of Section 16 of Article IV of the California Constitution. Therefore, this special statute is necessary.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to timely provide for the protection the water of local creeks, the San Francisco Bay, and the coastline for the use and enjoyment of the citizens of San Mateo and aquatic life, it is necessary that this act take effect immediately.

~~SECTION 1. (a) The sum of thirty million dollars (\$30,000,000) is hereby appropriated from the Air Quality Improvement Fund to the State Air Resources Board for the Clean Vehicle Rebate Project and Hybrid and Zero-Emission Truck and~~

1 ~~Bus Voucher Incentive Project established pursuant to Article 3~~  
2 ~~(commencing with Section 44274) of Chapter 8.9 of Part 5 of~~  
3 ~~Division 26 of the Health and Safety Code.~~

4 (b) ~~Upon the order of the Director of Finance, the sum of thirty~~  
5 ~~million dollars (\$30,000,000) shall be transferred by the Controller,~~  
6 ~~as a loan from the Vehicle Inspection and Repair Fund to the Air~~  
7 ~~Quality Improvement Fund. No later than June 30, 2016, the loan~~  
8 ~~shall be repaid with interest at the rate earned by the Pooled Money~~  
9 ~~Investment Account at the time of the transfer.~~